

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

CRIMINAL NO. 17-260

v

JUDGE: Billy Roy Wilson

DERON HOWELL

**OBJECTIONS WITH RESPECT TO PRESENTENCE INVESTIGATION
REPORT**

AND NOW comes, Deron Howell, by and through his attorney, Steven C. Townsend, Esquire, and files this Objections with Respect to Presentence Investigation Report, and in support thereof avers:

1. Mr. Howell by and through the undersigned, object to the following paragraphs in the Final Presentence Investigation Report ("PSR) dated August 27, 2018, Document No. 152.
2. Paragraph 26 – 5 Level Increase pursuant to 2B3.1(3)(B). This paragraph indicates there is a 5 level increase, when in fact 2B3.1(3)(B) is specifically a 4 level increase. In the event that this is a clerical error and the subsection is intended to be (3)(E), we specifically object as the trial testimony, Rule 16, and any other credible evidence fails to substantiate serious bodily injury over and above what is intended by subsection (3)(B).
3. Count Group 1: Hobbs Act Robbery Paragraph 26 – Adjusted Offense Level should be 25.

4. Paragraph 35 – Adjustment for Role in the Offense pursuant to 3B1.1(c).

This paragraph enhances Mr. Howell's role without sufficient evidence.

Specifically, it was alleged testified by at least two of the three victims, that they believed the organizer of the crime was Daejuan Tucker. Therefore a 2 level increase for role in the offense is not supported.

5. Count Group 2: Hobbs Act Robbery Paragraph 37 – Adjusted Offense Level should be 20.

6. Paragraph 40 – Multiple Count Adjustment, should be 1.5 based on the correct adjusted offense levels.

7. Paragraph 41 – Greater of Offense Levels Above, should be 25.

8. Paragraph 42 – Increase in Offense Level, should be 1, pursuant to USSG Section 3D1.4.

9. Paragraph 43 – Combined Adjusted Offense Level, should be 26.

10. Paragraph 46 – Total Offense Level, should be 26.

11. Paragraph 76 – Guideline Provisions. With an offense level of 26 and a Criminal History Category II, the guidelines are 70-87. The overall guidelines after imposing consecutive mandatory minimum sentences for firearm convictions is 360-447

WHEREFORE, Counsel respectfully requests that this Honorable Court determine that the correct guidelines calculation pursuant to the above is 360-447.

Respectfully submitted,

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